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constitutional question involved was not referred to. *People v. Hulse*, 3 Hill 309; *Nash v. State*, 2 Iowa, 286; *State v. Timmen*, 4 Minn. 325, 4 Gil. 241. Similar questions are involved under statutes providing that offenses committed on or near the boundary line of two counties are triable in either. Such statutes have been held constitutional. *Patterson v. State* (Ala., 1906), 41 So. 157; *State v. Robinson*, 14 Minn. 447. But in other cases they are held not constitutional. *Buckrice v. People*, 110 Ill. 29; *State v. Lowe*, 21 W. Va. 782; *Armstrong v. State*, 41 Tenn. 338. Statutes allowing one who commits larceny in one county to be tried in any county into which he may go with the stolen goods have been held constitutional. *State v. Johnson*, 38 Ark. 568; *State v. Price*, 55 Kan. 606; *State v. Douglas*, 17 Me. 193. As the statute in the principal case provided for trial for larceny, such cases may have bearing on the point there decided, but the court did not discuss that point.

DAMAGES—CONVERSION.—In an action of trover for a mare the jury rendered the following verdict: "We, the jury, find for the plaintiff for the calico pacing mare valued at \$40 and assess \$10 for the detention and use thereof." *Held*, the ordinary measure of damages in trover is the value of the chattel at any time between the conversion and the time of trial, and an assessment of damages for detention and use is erroneous. *McGowan v. Lynch* (1907), — Ala. —, 44 So. Rep. 573.

The general rule is, the measure of damages in an action for conversion is the value of the chattel at the time of the conversion with legal interest thereon. *Beecher v. Denniston*, 13 Gray (Mass.) 354; *Woods v. Gaqr*, 93 Mich. 143, 53 N. W. 14. Some courts make a distinction between goods having a fixed value and those of fluctuating value by giving as damages in the latter case the highest value within a reasonable time after notice of the conversion to the original owner. *Galigher v. Jones*, 129 U. S. 193, 32 L. Ed. 658, 9 Sup. Ct. Rep. 335. Prior opinions in Alabama have attempted to make a similar distinction, but seldom, if ever, has the court applied the general rule even in actions for conversion of goods of fixed value. *Jenkins v. McConico*, 26 Ala. 213; *Loeb v. Flash*, 65 Ala. 526. The decision in the principal case is based on an early Alabama ruling in an action for conversion of a slave. *Tatum et al. v. Manning*, 9 Ala. 144. There are a few jurisdictions in which the Alabama rule as to the measure of damages for conversion prevails. *Jaques v. Stewart*, 81 Ga. 81, 6 S. E. 815; *Carter v. Dupre*, 18 S. C. 179; *Stephenson v. Price*, 30 Tex. 715; *Hilliard Flume & Lumber Co. v. Wood*, 1 Wyo. 396. The allowance of interest from the time of conversion is regarded as a substitute for damages for the loss of the use of the converted property, but it has been held that if a defendant is successful in replevin he may recover the value of the replevied property and damages for its detention by plaintiff if such damages exceed the legal interest from the time of seizure by the plaintiff. *Hartley State Bank v. McCorkell*, 91 Ia. 660, 60 N. W. 197.

DEEDS—CONSTRUCTION—INTENT OF PARTIES.—The widow and children of decedent agreed among themselves to partition his land. Whereupon a